

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed March 11, 2004. Reconsideration and allowance of the application and presently pending claims 1-25 and 27-57 are respectfully requested.

A. Present Status of Patent Application

Upon entry of the amendments in this response, claims 1-25 and 27-57 remain pending in the present application. More specifically, claims 1, 5-7, 14-17, 19, 20 and 25 are directly amended, claim 26 is canceled without prejudice, waiver, or disclaimer, and claims 27-57 are added. These amendments are specifically described hereinafter. It is believed that the foregoing amendments and additions add no new matter to the present application. Furthermore, the amendment to claim 25 merely presents the claim in better form for issuance and does not narrow the scope of claim 25 in any manner.

B. Response to Rejection of Claims 1-26 Under 35 U.S.C. §102(b)

In the Office Action, claims 1-26 stand rejected under 35 U.S.C. §102(b) as allegedly being unpatentable by *Sitrick* (U.S. Patent 5,830,065).

1. Independent Claims 1, 19 and 21

For a proper rejection of a claim under 35 U.S.C. Section 102, the cited reference must disclose all elements/features/steps of the claim. See, e.g., *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988). Applicant respectfully submits that independent claims 1, 19 and 21 are allowable for at least the reason that *Sitrick* does not disclose, teach, or suggest the feature of a “wide area network” as recited in claims 1, 19 and 21.

Sitrick does not disclose, teach, or suggest using wide area network. Furthermore, the phrase “network” is not used anywhere in *Sitrick*. At most, *Sitrick* discloses “the adapter interface system of FIG. 1D provides a telecommunications link 150 that couples via mating connector 151 to an appropriate communications bus or gateway 152, (such as a phone line, modem connection or higher speed protocol). Data is loaded from a remote data source via the telecommunication link 151 to the video game apparatus 140 for storage in memory either in the video game apparatus 140 or on the game cartridge 120.” (Col. 15, lines 24-33). Nowhere is there any express disclosure of a “wide area network” as recited in claims 1, 19

and 21. Thus, *Sitrick* does not anticipate claims 1, 19 and 21, and for at least this reason alone the rejection under 35 U.S.C. §102(b) should be withdrawn.

2. Additional Argument for Allowability of Claims 1 and 19

Sitrick does not disclose, teach, or suggest using “a remote gaming console; a remote display coupled to the remote gaming console; and a remote communications means for connecting the remote gaming console to the wide area network, wherein the gaming console and the remote gaming console communicate via the wide area network such that the remote gaming console synchronizes and copies the way in which a user of the gaming console controls viewing of the digitised photographic image data such that a second user views the digitised photographic image data on the remote display” as recited in claims 1 and 19. Therefore, *Sitrick* does not anticipate claims 1 or 19, and for at least this reason alone the rejection under 35 U.S.C. §102(b) should be withdrawn.

3. Claim 26

Claim 26 is canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to this claim is rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of this canceled claim in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

Applicant notes that claim 26 is not being canceled in response to the rejection of the claim as allegedly being anticipated by *Sitrick*. Because *Sitrick* does not disclose a “wide area network” as recited in claim 26, *Sitrick* **does not** anticipate claim 26. Accordingly, Applicant is not expressly surrendering any subject matter to overcome prior art by the canceling of claim 26 because *Sitrick* does not anticipate claim 26.

4. Dependent Claims 2-18, 20, 22-25

Because independent claim 1 is allowable over the cited art of record, dependent claims 2-18 (which depends from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 2-18 contain all features/elements of independent claim 1. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to these claims should be withdrawn.

Similarly, because independent claims 19 and 21 are allowable over the cited art of record, dependent claim 20 (which depends from independent claim 19) and dependent claims 22-25 (which depends from independent claim 21) are allowable as a matter of law for at least the reason that the dependent claims 20 and 22-25 contain all features/elements of their respective base independent claim.

C. New Claims 27-57

New claims 27-57 are based on subject matter that is explicit and/or inherent within the description of the specification and/or the drawings. Applicant submits that no new matter has been added in the new claims.27-57, and that new claims 27-57 are allowable over the cited prior art. Therefore, Applicant requests the Examiner to enter and allow the above new claims.

D. Information Disclosure

In the Applicant's original Information Disclosure, the Abstract and Figures of the JP2000102673 document were disclosed. In preparing a response to this Office Action, we obtained a computer generated translation of the disclosure of the already disclosed JP2000102673 document. Although this computer generated document provided by the Japan Patent Office (JPO) has various translation peculiarities, we are including a copy of the translation herewith for the convenience of the Examiner. Applicant believes that the pending claims distinguish over the cited art of record and the newly disclosed JPO translation of the JP2000102673 document, either alone or in combination.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-25 and 27-57 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

A handwritten signature in cursive script, reading "Raymond W. Armentrout", written in black ink.

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